



Exempt Action Final Regulation Agency Background Document

Agency name	State Water Control Board
Virginia Administrative Code (VAC) citation	8 VAC 25-720
Regulation title	Amendment of the Water Quality Management Planning Regulation
Action title	Amendment to adopt three new TMDL waste load allocations in the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), adopt four TMDL waste load allocations in the Tennessee-Big Sandy River Basin (9 VAC 25-720-90.A), adopt one new TMDL waste load allocation in the James River Basin (9 VAC 25-720-60.A), and adopt one new TMDL waste load allocation in the Chesapeake Bay-Small Coastal Basin (9 VAC 25-720-110.A).
Final agency action date	April 27, 2009
Document preparation date	March 2, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) include nine new Total Maximum Daily Load (TMDL) wasteload allocations. The amendments are to the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50 A), Tennessee - Big Sandy River Basin (9 VAC 25-720-90 A), James River Basin (9 VAC 25-720-60.A), and the Chesapeake Bay-Small Coastal Basin (9 VAC 25-720-110.A).

The TMDLs were developed in accordance with Federal Regulations (40 CFR § 130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs

were subject to the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning". Attached is a document that lists by name the two TMDL reports, TMDL modification, and individual TMDLs affected by this regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

At its meeting on April 27, 2009, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include nine new TMDL waste load allocations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The amendment of the Water Quality Management Planning Regulation is for the protection of public health and safety, which has only an indirect impact on families.

List of TMDL reports and TMDL Waste Load Allocations affected by the proposed amendment of the Water Quality Management Planning regulation

Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):

“Benthic TMDL Development for Difficult Run, Virginia ”- The benthic TMDL for Difficult Run, located in Fairfax, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 3,663.2 T/TR.

“Opequon Watershed TMDLs for Benthic Impairments: Abrams Creek and Lower Opequon Creek, Frederick and Clarke Counties, Virginia” modification -

-Abrams Creek, located in Frederick and Winchester Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1039 T/YR.

_Lower Opequon, located in Frederick and Winchester Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1039 T/YR.

Tennessee-Big Sandy river Basin (9 VAC 25-720-90.A):

“Lick Creek TMDLs for a Benthic Impairment Dickenson, Russell, and Wise Counties, Virginia”

-Lick Creek Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 63 T/YR.

-Cigarette Hollow Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 0.4 T/YR

-Laurel Branch Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 3.9 T/YR

-Right Fork Benthic TMDL, located in Dickenson, Russell and Wise Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 1.3 T/YR

James River Basin (9 VAC 25-720-60.A):

“Benthic TMDL Development for the Rivanna River Watershed” - The Benthic TMDL for the Rivanna River Watershed, located in the City of Charlottesville, and covers portions of four counties: Albemarle, Greene, Nelson, and Orange counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 10,229 lbs/day.

Chesapeake Bay-Small Coastal (9 VAC 25-720-110.A):

“Benthic Total Maximum Daily Load (TMDL) Development Parker Creek, Virginia”- The benthic TMDL for Parker Creek, located in Accomack County, proposes Total Phosphorus reductions for portions of the watershed and provides a TP wasteload allocation of 664.2 lbs/yr.